8:Howell E-L.F (1937, 1948) 1953 FJ23 Shilluk FJ23

tant among the Nuer and Dinka, does not usually arise. The Shilluk seem to attach greater significance to physical paternity than do other Nilotes and the *okeje* male will usually be linked to the name of his *gwier*, even though this carries with it no legal rights. In the case of males there is often a tendency on the part of the maternal uncle or his heirs to deny to the *okeje* rights of inheritance or full participation in the reciprocal privileges of the lineage, so that his status is sometimes precarious and indeterminate.

Unlike the Nuer and Dinka, the Shilluk have no 'Ghost-Marriage'.[1] It is not stated as a fundamental obligation of kinship that a wife should be 'married to the name' of a dead kinsman, though the sentiment which dictates the custom among the Nuer and Dinka is not absent among the Shilluk. In this sense the Nuer and Dinka system is perhaps more individual than that of the Shilluk. Among the Shilluk continuity of the kinship group, not of the individual, is assured by normal legal marriage with cattle which might well have been used by the deceased for this purpose, but are not transferred in his name. Names are retained, however, by a belief in reincarnation. It is believed that the spirit of some ancestor appears in the new-born child which is then named after the ancestor. At the birth of every child a ceremony is performed, usually with the assistance of a *buy reth* who specializes in such matters, to determine this. The participants will ask, '*nwo adul yi min?*—"This one is brought by whom?" This accounts for the repetition of names in Shilluk genealogies, irrespective of sex, since there is no reason why the spirit of a female ancestor should not enter a male child or vice versa.

As will be seen later, a man who seduces a girl, if she subsequently gives birth to a child, cannot assume legal parenthood of his offspring except by marrying the mother and then only if at least some of the bridewealth cattle have been transferred, and the initial processes of marriage performed before the child is born. Theoretically, at least, children born out of wedlock cannot be legitimized and must therefore remain *okeje*. This does not apply if the father is betrothed to the girl at the time, provided that he eventually completes the marriage payments. It often happens, however, that a child born in these circumstances is adopted by the man who subsequently marries the mother, and marriage in these conditions usually brings with it legal parenthood of children born out of wedlock.

Violation of Rights in Women

Seduction of Unmarried or Betrothed Girls and Adultery

The seduction of unmarried girls is accounted a serious wrong among the Shilluk and one which demands compensation. The wrong is referred to as *kwer kwed nian gwir* and compensation is assessed, both currently and traditionally, at one ox. Pumphrey remarks that,

> . . . an original seduction often eventuates in marriage, in which case the seduction payment is payable first and the marriage payment after (and over and above it). In such cases also marriage dates from the acceptance of the sheep and it is improbable that the girl's family will accept it until the seduction payment is completed.[2]

[1] See Evans-Pritchard: 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für Vergleichende Rechtswissenschaft*, 1938 and Rhodes-Livingstone Inst. 1948.

[2] Pumphrey: unpublished records.

daughter, would marry out of the lineage, and her bridewealth would be used to marry a wife from elsewhere. I can quote no actual instances of this custom, but it is in keeping with Shilluk ideas, and I believe it to have been common in the past. The indemnity is known in Shilluk as *col dhom*, 'the replacement of a man'. Although the Shilluk do not have an institution comparable to the Nuer and Dinka custom of 'ghost-marriage',[1] they certainly consider that the continuity of the kinship group must be assured and the acceptance of an indemnity is primarily directed to this object. A wife married with 'blood-cattle' is called *nya nir dhom*, 'the girl in place of the man',[2] and although she is not married specifically 'to the name of the dead man', as would be the case among both Nuer and Dinka, the principles are the same. The primary intention in accepting such payments in cattle is therefore to marry a wife into the dead man's lineage, or to acquire a girl who will either be taken in marriage or received as a daughter from whom bridewealth may be expected. Since bridewealth among the Shilluk is more or less rigidly maintained at ten head of cattle, it is logical that the indemnity for homicide should also be ten.

Among many Nilotic peoples in the past there were different rates of compensation for the taking of human life according to the status of the person killed. Among the Shilluk a greater differentiation might be expected, but there is little evidence of this, though Shilluk themselves say that to kill a member of the royal clan would be a serious offence and in the past was likely to call forth a punitive expedition by the *reth*. It is significant that Hofmayr says: 'To wound a royal prince or princess, or a royal daughter or son of a prince, whether it happens accidentally or intentionally, demands a high penalty for the shedding of royal blood (*a wum*). In 1912 a boy accidentally injured a royal daughter with a spear and caused only a slight flesh wound. He had to pay six head of cattle (two or three to the King, one to the mother of the girl, and one to the Chief of the village).'

There is normally no distinction in the amount of compensation demanded for the death of a woman. A husband who kills his wife is not expected to pay compensation if he has completed the bridewealth payments. When a woman kills someone, her father or legal guardian is held responsible if she is unmarried; a husband is responsible for the actions of his wife.

As among other Nilotic peoples, when homicide is a joint action, the first man to cause injury to the deceased is held to be responsible for his death.

In the peacemaking negotiations described, the ritual acts and ceremonial procedures are reminiscent of those performed by the 'Leopard-Skin Chief' among the Nuer, and the 'Chief of the Spear' among many Dinka tribes. These similarities are seen in the public ceremonies rather than in the special ritual performed to relieve the killer of the spiritual contamination which is believed to follow an act of homicide; this is not surprising, since obviously the *reth* could not deal individually with every killer. Further, it is customary for these functionaries among both Nuer and Dinka to take a small proportion[3] of the 'blood-cattle' in return for their services;

[1] See Evans-Pritchard, *Kinship and Marriage among the Nuer*, pp. 109–12. Oxford, 1951.

[2] Mr. J. L. Baker tells me that children born in such circumstances are known as *okic* or *okir* (according to sex) which means literally 'father dead'.

[3] For example, out of a total varying between twenty and forty head of cattle, the Nuer *kuar kwac* takes the *yang kwaai* in return for his services early on in the negotiations for peace, the *reath nyar* ('bull calf of blood') and *yang kuar* ('cow of the leopard-skin'), besides two oxen which he sacrifices at the ceremony. In some parts of Nuerland these might